

### **REMARKS**

By this amendment, claims 1-5, 7-14, and 16-20 have been amended. Claims 1-5 and 7-20 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,744,713 (the '713 patent). Claims 2-4 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of the '713 patent. Claims 5 and 7 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32, 36, and 40 of the '713 patent. Claims 8-11 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-15 of the '713 patent. Claim 12 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of the '713 patent. Claims 13-16, 18, and 20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of the '713 patent. These rejections are respectfully traversed.

Applicants note that the present application is a continuation of Application No. 10/107,147 (now Patent No. 6,741,535), which is a divisional application of the '713 patent. "Generally, a double patenting rejection is not permitted where the claimed subject matter is

presented in a divisional application as a result of a restriction requirement made in a parent application.” M.P.E.P. § 804(II).

Applicants further note that claim 3 (rejected over claims 1 and 9 of the ‘713 patent) depends from independent claim 1, which was only rejected over claim 19 of the ‘713 patent. Accordingly, Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness against at least claim 3.

Additionally, Applicants note that the claims can be fully considered now without this issue being immediately addressed. As such, Applicants respectfully request that the double patenting rejection be withdrawn, or at least held in abeyance until allowable subject matter is indicated.

Claims 1 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ro et al. (US 6,288,989). This rejection is respectfully traversed.

Claim 1 recites a write protection method comprising, *inter alia*, “checking write protection information stored in an RMD (Recording Management Data) field of an RMA (Recording Management Area) area to protect data recorded on the recording medium from unwanted overwriting or erasing, the RMA being separate from a lead-in area of the recording medium” (emphasis added). Claim 13 recites similar features. Applicants respectfully submit that Ro et al. does not disclose at least these features.

To the contrary, Ro et al. discloses in FIG. 6 (reproduced below) that the passwords are all stored in the lead-in area of the disc. Applicants respectfully submit that Ro et al. does not

disclose, teach, or suggest at least “the RMA being separate from a lead-in area of the recording medium,” as recited in claims 1 and 13.

Ro et al. FIG. 6

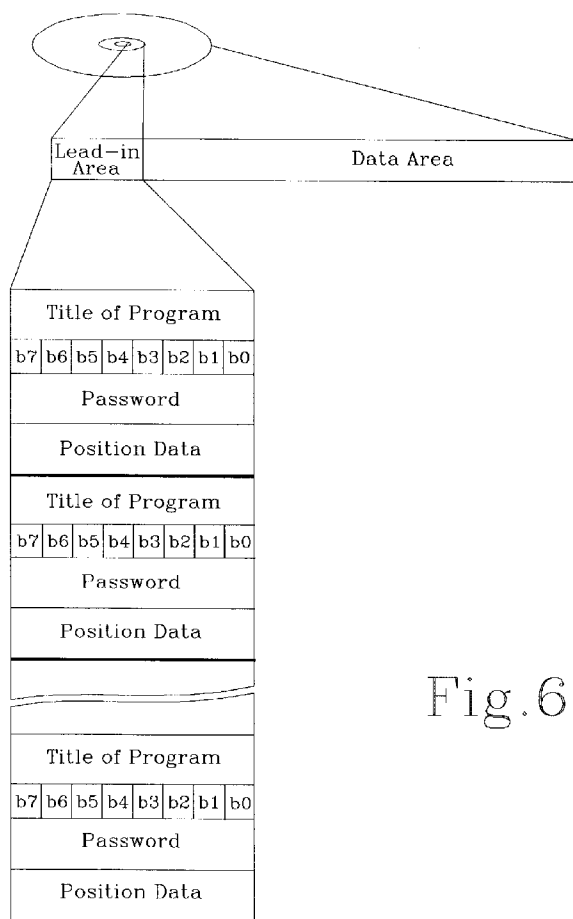


Fig.6

Since Ro et al. does not disclose all of the features of claims 1 and 13, claims 1 and 13 are not anticipated by Ro et al. The amended claim feature of “the RMA being separate from a lead-in area of the recording medium” is supported at least by FIG. 10 of the original specification. Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claims 1 and 13 be withdrawn and the claims allowed.

Claims 8-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Braithwaite et al. (US 5,644,444). This rejection is respectfully traversed.

Claim 8 recites a storage device comprising, *inter alia*, “a Lead-in area; ... wherein ...the write protection state information [is] stored in an area separate from the Lead-in area of the recording medium” (emphasis added). Applicants respectfully submit that Braithwaite et al. does not disclose at least these features.

To the contrary, Braithwaite et al. discloses that “the outer special information track 64 on at least one side of the storage medium includes at least one write/read protect sector 68.” Col. 5, ln. 56-61. The track 64 was cited in the Office Action at page 10 as allegedly reading on the claimed Lead-in area. Applicants respectfully submit that Braithwaite et al. does not disclose, teach, or suggest at least that the write protection state information is stored in an area separate from the Lead-in area of the recording medium, as recited in claim 8.

Since Braithwaite et al. does not disclose all of the features of claim 8, claim 8 is not anticipated by Braithwaite et al. Claim 9 depends from independent claim 8, and is patentable at least for the reasons mentioned above, and on its own merits. The amended claim feature of “the write protection information being separate from a Lead-in area of the recording medium” is supported at least by FIG. 10 of the original specification. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 8-9 be withdrawn and the claims allowed.

Claims 2 and 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ro et al. in view of Yonemitsu et al. (US 5,793,779). This rejection is respectfully traversed. Neither Ro et al. nor Yonemitsu et al., even when considered in combination, teaches or suggests

all of the features of independent claims 2 or 5. Claims 2 and 5 recite features similar to claim 8; therefore, Yonemitsu et al., which was not cited for the above-discussed features, does not cure the above-discussed deficiencies of Ro et al.

Since Ro et al. and Yonemitsu et al. do not teach or suggest all of the features of claims 2 and 5, claims 2 and 5 are not obvious over the cited combination. Claim 4 depends from independent claim 2, and is patentable at least for the reasons mentioned above, and on its own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 2 and 4-5 be withdrawn and the claims allowed.

The statement that claims 17 and 19 contain allowable subject matter is gratefully acknowledged. Claims 17 and 19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 17 and 19 depend from independent claim 13, and are allowable for at least the reasons set forth above, and on their own merits.

Claims 2-5, 7-14, and 16-20 have been further amended to correct grammatical and typographical errors unrelated to any rejection in the Office Action, and should not require further consideration or search.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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